IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.754 OF 2005

Dr.Buddhi Madhavi. .. .. Petitioner
v/s.
State of Maharashtra & anr. .. Respondents

Mr.Subba Rao i/by Mr.John Fernandes for petitioner.

Mr.Pradeep Jadhav, AGP for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 15TH MARCH 2005

P.C. :

1. Heard Mr.Rao in support of this petition. Mr.Jadhav, AGP appears for the respondents.

2. The petitioner is a Lecturer working in the Seth GS Medical College and KEM Hospital run by the Municipal Corporation of Mumbai. There is an advertisement for the post of Associate Professorship issued by the Maharashtra Public Service Commission (for short, "MPSC"). As per that advertisement, 23rd February 2005 was the last date for collecting the application forms. The forms duly filled in are required to be

submitted to the MPSC by tomorrow i.e. 16th March 2005.

3. Today, this petition is filed by pointing out that the petitioner was not well for quite some time. She is suffering from gynaecological problem and has been on leave from 29th November 2004. It is her case that at late stage she came to know about this post which is now sought to be filled in. Therefore, this petition is filed to seek a direction that the form be made available to her. Prior to this, she had applied to the MPSC and the MPSC informed her by its letter dated 14th March 2005 that since the forms are to be collected within time, her application cannot be considered.

4. Mr.Rao, learned Counsel appearing for the petitioner, submitted that a sympathetic view may be taken of the circumstances of the petition. Mr.Jadhav, learned AGP, has pointed out that a rule specifically provides that the form has to be collected before 23rd February 2005. It is further provided that, in any case, this time limit will be strictly followed and the time limit will be enforced for both the aspects, namely,

collection of the form as well as submitting the same. This is stated in Clause-4 of the advertisement. Mr.Jadhav states that if the rule is relaxed for one person, it may have to be relaxed in other cases also.

5. Having heard both the learned Counsel, although we appreciate the difficulties expressed by the petitioner, in the absence of any specific powers for relaxation, we cannot compel the MPSC to receive the form at a belated stage. We, therefore, cannot entertain this petition, Petition is rejected.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)